
Public Utilities Commission of the State of California

Public Agenda 3149

Thursday, March 17, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, April 04, 2005 (San Francisco)	Thursday, March 17, 2005 (San Francisco)
Monday, April 18, 2005 (San Francisco)	Thursday, April 07, 2005 (San Francisco)
Monday, May 02, 2005 (San Francisco)	Thursday, April 21, 2005 (San Francisco)
	Thursday, May 05, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

- 1**
[4238] **Res TL- 19056**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- 2**
[4239] **Res ALJ 176-3149**
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- 3**
[4199] **I04-07-003 - Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service.**
This decision approves a settlement between Respondent Fan Ding and the Commission's Consumer Protection and Safety Division in resolution of allegations of violations of laws and regulations respecting household goods carriers. This proceeding is closed.
(Comr Kennedy - ALJ Yacknin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
Agenda 3146, Item 9 1/27/2005 (Staff);
Agenda 3147, Item 10 2/10/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186163

Consent Agenda - Orders and Resolutions (continued)

- 4**
[4234] **A03-10-017 - California Water Service Company.**
A03-10-018, A03-10-019, A03-10-020, A03-10-021, A03-10-031 - Related matters. This decision adds language to D04-09-038 expressly approving assigned Administrative Law Judge's March 2, 2004 Ruling that was entitled to interim rate increase for South San Francisco and Bakersfield districts for period of July 1 - September 29, 2004. This proceeding is closed.
(Comr Kennedy - ALJ Thorson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3147, Item 16 2/10/2005 (Staff);
Agenda 3148, Item 10 2/24/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191048
- 5**
[4278] **A04-07-035 - California Water Service Company (CalWater).**
This decision finds it reasonable for CalWater to continue to operate wells in the East Los Angeles District when those wells test above the Department of Health Services (DHS) Drinking Water Notification Level for 1,4 Dioxane but below the DHS recommended Respond Level. This proceeding is closed.
(Comr Brown - ALJ McVicar)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 6**
[4281] **Res ST-75**
This resolution approves the Consumer Protection and Safety Division Rail Transit Safety Section (RTSS) final audit report titled, "TRIENNIAL ON-SITE SAFETY AUDIT OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA)," dated January 14, 2005. LACMTA is ordered to implement the recommendations contained in the report and to provide bimonthly progress reports to the RTSS.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
- 7**
[4287] **I04-07-005 - Investigation on the Commission's own motion into the operation and practices of Vycera Communications, Inc. and its officers and primary shareholders, Derek M. Gietzen and Thalia R. Gietzen, to determine whether respondents have violated the laws, rules and regulations governing the manner in which California consumers are switched from one telephone carrier to another and billed for telephone products or services.**
This decision approves Settlement Agreement imposing fine and creating probationary period. This proceeding is closed.
(Comr Brown - ALJ Bushey)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190956

Consent Agenda - Orders and Resolutions (continued)

8 **R03-02-034 - Order Instituting Rulemaking into implementation of Assembly Bill 140,**
[4288] **establishing the Rural Telecommunications Infrastructure Grant Program.**

This decision closes this proceeding after finalizing grant program administration rules for the Rural Telecommunications Infrastructure Grant Program. This proceeding is closed.

(Comr Peevey - ALJ Grau)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190978

9 **A04-08-008 - Southern California Edison Company (SCE).**

[4289]

This decision adopts a 2005 Energy Resource Recovery Account revenue requirement forecast of \$3.16 billion for SCE. SCE is authorized to defer and consolidate the implementation of the revenue requirement charge authorized in this order with its 2005 California Department of Water Resources power charge revenue requirement. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188258

10 **C04-07-043 - James E. and Patricia C. Watkins vs. MCI-Metro Access Transmission**
[4305] **Services (MCI/WORLDCOM), Inc.**

This decision dismisses complaint for failure to state a claim upon which relief can be granted. This proceeding is closed.

(Comr Grueneich - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190954

11 **Res T-16919 - VCI Company dba Vilaire.**

[4306]

This resolution grants conditional approval of VCI Company's request to be designated as an Eligible Telecommunications Carrier, orders VCI Company to comply with certain requirements, and authorizes the Telecommunications Division Director to grant final approval to VCI Company's request.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189065

Consent Agenda - Orders and Resolutions (continued)

- 12** **A05-01-014 - John A. DeFalco, Neil N. Werb, and Crown Pointe Estates at Malibu, LLC.**
[4309] This decision authorizes John A. DeFalco and Neil N. Werb to sell 100% of Yerba Buena Water Company's outstanding stock to Crown Pointe Estates at Malibu, LLC. This proceeding is closed.
(Exam Coughlan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 13** **A04-06-022 - Kerman Telephone Company (Kerman).**
[4313] This decision grants Motion to Accept Settlement Agreement by Kerman and Office of Ratepayer Advocates for authority to sell land and warehouse. This proceeding is closed.
(Comr Brown - ALJ DeBerry)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190676
- 14** **A02-03-047 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**
[4319] A02-03-048, A02-03-049 - Related matters. This decision specifies the contents of the applications that Pacific Gas and Electric Company, SDG&E, Southern California Edison Company and SoCalGas should file in seeking future funding for their Low Emission Vehicle programs. Decision 03-10-086 approved prior requests for LEV funding, but ordered a process to refine the contents of the foregoing utilities' applications. These proceedings are closed.
(Comr Brown - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189341
- 15 (Rev.)** **A04-09-009 - Avista Corporation (Avista) and Southwest Gas Corporation (Southwest).**
[4321] Avista and Southwest seek approval for Avista to sell its South Lake Tahoe gas facilities to Southwest. The Office of Ratepayer Advocates protested the application, seeking protection against rate increases for the current Avista gas customers. This decision approves a settlement agreement among the parties that protects current Avista customers from an increase in gas base rates through at least 2008. Under Pub. Util. Code §§ 851 and 854, the decision authorizes the acquisition of Avista's California gas facilities by Southwest. This proceeding is closed.
(Comr Kennedy - ALJ Walker)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
03/15/2005 - This revision was not shown on the Agenda mailed to the public.

Consent Agenda - Orders and Resolutions (continued)

- 16**
[4322] **Res E-3916 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests confirmation of Donna J. Weston to serve on the Nuclear Decommissioning Master Trust Funds Committees. Request approved. (Advice Letter 1659-E, filed January 27, 2005)
- 17**
[4328] **Res T-16908 - Community Services Planning Council, Inc. (Infoline Sacramento).**
This resolution grants the application of Infoline Sacramento to use the 2-1-1 dialing code for health and human services information and referral service in Sacramento County.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189513
- 18**
[4334] **(ECP) C04-07-007 - Rik Wayne Munson vs. Pacific Bell Telephone Company dba SBC California.**
This decision grants the request of Rik Wayne Munson that SBC California credit his telephone account \$1,044.00 for disputed local toll charges incurred accessing his Internet Service Provider. This proceeding is closed.
(Comr Brown - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189414
- 19**
[4335] **Res PSPC-1**
This resolution adopts the Budgets for the FY 05-06 from July 1, 2005 - June 30, 2006 for the Payphone Service Providers Enforcement (PSPE), Public Policy Payphone Programs; adopts a new surcharge level for PSPE Program and transfers the balance of the Telecommunications Devices for the Deaf Placement Interim Committee Fund to the Deaf and Disabled Telecommunications Program Fund.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=185479
- 20**
[4346] **A04-10-037 - California-American Water Company (CalAm).**
This decision authorizes CalAm to implement temporary conservation rates in Monterey District if specified Carmel River water production criteria are exceeded. Also, CalAm is ordered to refund Water Revenue Adjustment Mechanism balancing account revenues collected under the same Commission-authorized conservation rate structure in 2004. This proceeding is closed.
(Comr Peevey - ALJ McVicar)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190642

Consent Agenda - Orders and Resolutions (continued)

- 21**
[4349] **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**
The April 1, 2004 Order Instituting Rulemaking is modified by naming individual Energy Service Providers and Community Choice Aggregators respondents in this proceeding.
(Comr Peevey - ALJ Wetzell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191186
- 22**
[4352] **A04-10-007 - San Diego Gas & Electric Company (SDG&E).**
This decision adopts a 2005 Energy Resource Recovery Account (ERRA) revenue requirement forecast of \$301,106,000 for SDG&E. The associated 0.110 cents/kilowatt-hour rate increase (0.80% over current system average total rates) will not be implemented at this time. This decision also sets the 5% threshold for 2004 ERRA undercollections or overcollections at \$30,013,000 and determines there is no present need to adjust rates or order refunds in conjunction with the ERRA trigger mechanism. This proceeding is closed.
(Comr Peevey - ALJ Fukutome)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188702
- 23**
[4359] **A05-01-027 - Pacific Gas and Electric Company (PG&E) and Roger Hunt and Andrea Hunt.**
This decision authorizes an encroachment agreement between PG&E and Roger and Andrea Hunt (Owners) that will permit Owners to construct a detached fabricated steel shop building partly within PG&E's easement on Owners' property in Kern County. PG&E's request that the Commission establish a streamlined process for approval of similar de minimus encroachment agreements is denied as inappropriate in this limited proceeding. This proceeding is closed.
(Comr Brown - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189523
- 24**
[4360] **A04-05-021 - Southern California Edison Company.**
Application for authorized capital structure, rate of return on common equity, embedded cost of debt and preferred stock, and overall rate of return for utility operations for 2005. A04-05-023 - Related matters. Aglet Consumer Alliance and The Utility Reform Network are jointly awarded \$73,558 for their substantial contribution to D04-12-047. A04-05-021 and A04-05-023 are closed.
(Comr Brown - ALJ Galvin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191027

Consent Agenda - Orders and Resolutions (continued)

- 25**
[4361] **(ECP) C04-10-035 - Marvin Ellis vs. Pacific Gas and Electric Company.**
The parties having resolved their dispute, the complaint is dismissed and the proceeding is closed.
(Comr Brown - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189960
- 26**
[4361] **I04-04-001 - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Ronen Perez, Ford Moving and Storage, Inc., and its president, Ronen Perez.**
This decision extends the 12-month statutory deadline pursuant to Pub. Util. Code §1701.2(d) until July 1, 2005.
(Comr Brown - ALJ Walwyn)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189775
- 27**
[4363] **A00-07-013 - Pacific Gas and Electric Company.**
For review and recovery of costs recorded in the Electric Restructuring Costs Account for 1999 and Forecast for 2000 and 2001. This decision grants Aglet Consumer Alliance and The Utility Reform Network \$49,997.53 in compensation for their contribution to Decision 04-12-017. This proceeding is closed.
(Comr Brown - ALJ Mattson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190882
- 28**
[4366] **C04-01-020 - Almond Tree Hulling Co., et al. vs. Pacific Gas and Electric Company and Does 1 through 100 .**
This order extends the 12-month statutory timeframe for completion of this adjudicatory proceeding because of the expiration of the originally Assigned Commissioner's term after the filing of Complainant's appeal to the Presiding Officer's Decision and Defendant's response to the Appeal.
(Comr Peevey - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190061

Consent Agenda - Orders and Resolutions (continued)

- 29**
[4368] **A04-07-047 - Walnut Ranch Water Company, Inc. (WRWC).**
This decision approves WRWC's application to sell its water system to Del Oro Water Company, Inc.
This proceeding is closed.
(Exam Coughlan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189536
- 30**
[4369] **Res T-16927 - Citizens Telecommunications Company of California, Inc. (CTC-California).**
This resolution approves a CMRS Interconnection Agreement between CTC-California and US Cellular Corporation, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 894, filed December 22, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190310
- 31**
[4370] **Res T-16928 - Citizens Telecommunications Company of the Golden State, Inc. (CTC-Golden State).**
This resolution approves a CMRS Interconnection Agreement between CTC-Golden State and US Cellular Corporation, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 167, filed December 21, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190311

Regular Agenda

Regular Agenda - Energy Orders

- 32**
[4103] **A00-11-038 - Southern California Edison Company (SCE).**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network (TURN) \$1,043,871.80 in compensation for its further participation in the federal district court proceedings in which SCE and Pacific Gas and Electric Company challenged the Commission's jurisdiction to limit the utilities' recovery of increased wholesale procurement costs, and for its efforts in the judicial review of D02-06-070, which awarded TURN intervenor compensation for its earlier participation in those federal proceedings.
(Comr Brown - ALJ Allen)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3144, Item 48 12/16/2004 (Kennedy);
Agenda 3145, Item 45 1/13/2005 (Brown);
Agenda 3146, Item 29 1/27/2005 (Staff);
Agenda 3147, Item 37 2/10/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186720
- 33**
[4253] **A02-05-004 - Southern California Edison Company (SCE).**
For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. This decision allocates SCE's revenue requirement of \$9.2 billion. These proceedings are closed.
(Comr Kennedy - ALJ Barnett)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3148, Item 31 2/24/2005 (Staff)
- 34**
[4312] **A02-12-027 - Southern California Gas Company (SoCalGas).**
A02-12-028, I03-03-016 - Related matters. This decision adopts post-test year ratemaking and performance incentives for SoCalGas and San Diego Gas & Electric Company. The decision denies Partial Settlements for both companies. These proceedings are closed.
(Comr Brown - ALJ Long)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Energy Orders (continued)

34a ALTERNATE TO ITEM 4312

[4320]

A02-12-028, I03-03-016 - Related matters. This alternate adopts a partial settlement supported by all active parties who made recommendations in Phase II of the proceeding. The Settlement resolves or otherwise disposes of all issues in Phase II for both SoCalGas and SDG&E, with the exception of the matters related to performance incentives and performance indicators. With respect to the performance incentives and indicators, the alternate adopts the same targets, rewards and penalties as the Proposed Decision by ALJ Long.

(Comr Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191047

35

[4323]

A00-11-038 - Southern California Edison Company.

A00-11-056, A00-10-028 - Related matters. This decision allocates the 2005 revenue requirement of the California Department of Water Resources (DWR), using the methodology adopted by this Commission in D04-12-014. This decision also performs a “true-up” of DWR’s 2003 revenue requirement and adopts adjustments that reflect actual IOU costs and remittances through September, 2004.

(Comr Brown - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189389

36

[4324]

R99-11-022 - Order Instituting Rulemaking into implementation of Public Utilities Code Section 390.

This decision responds to the California Court of Appeal’s remand order directing the Commission to determine whether short run avoided cost (SRAC) prices between December 2000 and March 2001 were correct and consistent with the Public Utilities Regulatory Policy Act of 1978. This decision determines that SRAC prices between December 2000 and March 2001 were correct, and that retroactive application of the SRAC transition formula as adopted in D03-01-067 is not warranted.

(Comr Peevey - ALJ DeBerry)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189415

Regular Agenda - Energy Orders (continued)

37 **R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension**
[4327] **of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision implements affidavit requirements as prescribed in D04-07-025, which adopted rules governing Direct Access Cost Responsibility Surcharges (DA CRS) in the context of growth in DA load as a means for DA customers to verify, under penalty of perjury, that they are not exceeding their contractual limits for DA usage.

(Comr Brown - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191133

38 **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and**
[4350] **integration in electric utility resource planning.**

The Commission's October 28, 2004 Interim Opinion Regarding Resource Adequacy (Decision 04-10-035) is modified, as set forth herein, to clarify and restate the Commission's policy for resource adequacy requirements. In particular, the nature of the forward commitment obligation is specified.

(Comr Peevey - ALJ Wetzell)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190554

Regular Agenda - Energy Resolutions and Written Reports

- 39**
[4279] **Res G-3374 - Pacific Gas and Electric Company (PG&E).**
PG&E requests authority to revise Rule 14 of its gas tariff to apply the Operational Flow Order (OFO) Noncompliance Charge Exemption on a per OFO rather than monthly basis. (Advice Letter 2564-G, filed August 9, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190861
- 40**
[4325] **Res G-3376 - Southern California Gas Company (SoCalGas), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E).**
In compliance with D4-09-022, SoCalGas, PG&E, and SDG&E file open access tariffs to set forth nondiscriminatory terms and conditions under which a party may connect to and deliver natural gas into the utility systems. PG&E's proposal is approved as filed. SoCalGas' and SDG&E's proposals are approved with modifications. Implementation of SoCalGas' and SDG&E's tariffs shall be suspended until certain agreements are approved by the Commission. (SoCalGas Advice Letter (AL) 3413, SDG&E AL 1474-G, and PG&E AL 2577-G, filed October 4, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191090
- 41**
[4326] **Res E-3915 - Southern California Edison Company (SCE).**
SCE submits revisions to its rate schedules to update the Transmission Access Charge Balancing Account Adjustment Rate. This resolution approves the rate change proposed by SCE pursuant to FERC's approval of these rates. (Advice Letter 1856-E, filed January 28, 2005)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191110
- 42**
[4353] **Res G-3378 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests Commission approval of a natural gas storage agreement between itself and Southern California Gas Company, an affiliate under Sempra Energy, entitled Master Services Contract, Schedule J, Transaction Based Storage Service, dated November 8, 2004. SDG&E's request is approved with modifications. (Advice Letter 1499-G, filed January 7, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191230

Regular Agenda - Telecommunication Orders**43**

[4184]

A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision resolves outstanding issues in this proceeding relating to the adjustment, or “true-up,” of interim unbundled network element rates to permanent rate levels. This order lifts the stay of billing adjustments established through Ordering Paragraph 4 of D04-09-063, and orders immediate payment of billing adjustments by 10 carriers whose cash or cash equivalents indicate they possess cash at least 10 times the amount of their true-up debt. All other carriers shall pay in equal installments over 12 months, subject to interest and late payment penalties. True-up payments should be calculated based on a 10% shared and common cost markup. These proceedings are closed.
(Comr Peevey - ALJ Duda)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3146, Item 38 1/27/2005 (Peevey);

Agenda 3147, Item 41 2/10/2005 (Peevey);

Agenda 3148, Item 37 2/24/2005 (Grueneich)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189834

43a

[4284]

ALTERNATE TO ITEM 4184

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This alternate differs from the ALJ's draft decision in one respect. The alternate directs the true-up payments to be calculated based on a 15% shared and common cost markup.
(Comr Brown)

Agenda 3147, Item 41a 2/10/2005 (Peevey);

Agenda 3148, Item 37a 2/24/2005 (Grueneich)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188262

43b

[4308]

ALTERNATE TO ITEM 4184

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This alternate differs from the ALJ's draft decision to set an interim 10%. The alternate maintains the 21% shared and common cost markup during the true-up period. On a prospective basis, the shared and common cost markup is lowered to 19% to reflect the Ninth Circuit's remand.
(Comr Peevey)

Agenda 3148, Item 37b 2/24/2005 (Grueneich)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191114

Regular Agenda - Telecommunication Orders (continued)

44
[4290] **R03-04-003 - Order Instituting Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1563 regarding deployment of advanced telecommunications technologies.**

This decision satisfies the requirements of Senate Bill 1563 (Ch. 674, Stats. 2002), which requires the Commission to develop a plan for encouraging the widespread availability and use of advanced communications infrastructure and to report its findings and recommendations to the Governor and the Legislature. This proceeding is closed.

(Comr Kennedy - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188580

45
[4311] **R _____ - Order Instituting Rulemaking on the Commission's own motion to assess and revise the regulation of telecommunications utilities.**

This Order institutes a rulemaking to assess and revise the regulation of all telecommunications carriers in California except for small incumbent local exchange carriers (ILECs). The primary goal of this proceeding is to develop a uniform regulatory framework for all telecommunications utilities, except small ILECs, to the extent it is feasible and in the public interest to do so.

Agenda 3148, Item 38 2/24/2005 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190639

46
[4376] **A04-03-014 - Verizon California Inc.**

For arbitration of an amendment to interconnection agreements with competitive local exchange carriers and commercial mobile radio service providers in California pursuant to Section 252 of the Communications Act of 1934, as amended, and the Triennial Review Order. This decision confirms the Assigned Commissioner Ruling issued in response to the Joint Motion by MCI, Inc., The Utility Reform Network, Wholesale Air-Time, Inc. and NII Communication, Ltd for Emergency Order Preserving Status Quo for UNE-P Orders, filed on March 1, 2005.

(Comr Peevey - ALJ Weismehl)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191210

Regular Agenda - Telecommunication Orders (continued)

47

[4377]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision confirms the Assigned Commissioner Ruling issued in response to the Joint Motion by MCI, Inc., The Utility Reform Network, Blue Casa Communications, Inc., Wholesale Air-Time, Inc., Anew Communications Corp dba Call America, TCAST Communications, and CF Communications LLC dba Telekenx for Emergency Order Preserving Status Quo for UNE-P Orders, filed on March 1, 2005, and in response to the Emergency Motion by Small CLECs for an Order Requiring SBC to Comply with its CLEC Interconnection Agreements, filed on March 2, 2005.

(Comr Kennedy - ALJ Pulsifer)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191192

Regular Agenda - Water/Sewer Orders**48****A03-04-025 - San Gabriel Valley Water Company.**

[4317]

For authority to implement a low income rate in its Los Angeles County Division in compliance with D02-10-058 in A01-10-028. This decision concludes consideration of low-income rate proposals.

This proceeding is closed.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190721

Regular Agenda - Water/Sewer Resolutions and Reports**49**

[4265]

Res W-4522 - Point Arena Water Works (PAWW).

This resolution authorizes PAWW a surcharge of \$2.98 per month per customer for six years producing an annual increase in revenue of \$6,625 or 3.4% for a total of \$39,750 to recover legal expenses. (Advice Letter 49, filed October 28, 2004)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187683

50

[4310]

Res W-4524

This resolution adopts revision to Water Division Standard Practice U-3-SM (SP-U-3-SM) regarding calculation of rate of return and rate of margin (formerly operating ratio) for Class C and D water utilities.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions**51**

[4374]

Chief ALJ Minkin Report

The ALJ Division wishes to take written comments on a proposed pilot program designed to streamline the processing of certain types of Pub. Util. Code Section 851 transactions. After receipt and consideration of written comments, the Division will prepare a draft order for the Commission which addresses the proposed pilot program and any related streamlining issues.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190602

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

52 Conference with Legal Counsel - Applications for Rehearing

[4241]

Compilation of applications for rehearing recently filed with the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

53 R03-09-006 - Conference with Legal Counsel – Application for Rehearing

[4276]

Disposition of Application for Rehearing and/or Request for Stay of D04-12-056 filed by Southern California Edison Company (SCE), and/or Disposition of Application for Rehearing of D04-12-056 filed by the Pacific Gas and Electric Company (PG&E) and the San Diego Gas and Electric Company (SDG&E). D04-12-056 prohibits the use of 'reverse auctions' in energy utility construction contract bidding procedures, a practice in which bidders compete for contracts by lowering their bids until the lowest bid is accepted. D04-12-056 also requires respondent utilities to ensure the payment of prevailing wages by their construction contractors in all construction. SCE, PG&E, and SDG&E, respondent utilities, seek rehearing on allegations that latter provision of D04-12-056 is preempted by federal law, contrary to Commission Rules, and not supported by the record of the proceeding.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Agenda 3147, Item 48 2/10/2005 (Staff);

Agenda 3148, Item 42 2/24/2005 (Staff)

54 A00-03-039 - Conference with Legal Counsel - Application for Rehearing

[4358]

Disposition of Application for Rehearing of D04-09-020 by The Utility Reform Network (TURN). The Decision grants the majority of the expenses sought by Pacific Gas and Electric Company (PG&E) for enhancement of its transmission and distribution system safety and reliability pursuant to PUC Code Section 368. TURN alleges that the Decision is in error because it fails to address the majority of the expenditures for which PG&E sought reimbursement and also because of the Commission's treatment of the issue of common plant.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Non-Federal (continued)

55

[4362]

C03-09-004 - Conference with Legal Counsel - Application for Rehearing

Disposition of request by the California Building Industry Association (CBIA) to withdraw its application for rehearing of D05-01-005. This decision denied CBIA's complaint to require utilities to seek Commission approval before updating cost factors and underlying assumptions for project-specific line extension estimates.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

56

[4365]

R03-08-019 - Conference with Legal Counsel - Application for Rehearing

Disposes of Application for Rehearing of D04-08-055 filed by Calaveras Telephone Company et al. In D04-08-055, the Commission adopted General Order 77-L to supersede General Order 77-K.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

57

[4270]

Conference with Legal Counsel – Initiation of Enforcement Proceeding

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Agenda 3147, Item 50 2/10/2005 (Peevey);

Agenda 3148, Item 44 2/24/2005 (Staff)

58

[4372]

Conference with Legal Counsel – Initiation of Enforcement Proceeding

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal**60**

[4175]

WC Docket No. 03-211 - Conference with Legal Counsel – Existing Litigation

In re Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota PUC, WC Docket No. 03-211.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Agenda 3145, Item 68 1/13/2005 (Brown);

Agenda 3146, Item 50 1/27/2005 (Kennedy);

Agenda 3147, Item 52 2/10/2005 (Grueneich);

Agenda 3148, Item 45 2/24/2005 (Grueneich)

61

[4242]

Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal Counsel - Existing Litigation

Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

62

[4379]

Docket No. EA-171-B - Conference with Legal Counsel - Existing Litigation

U.S. Department of Energy, Office of Coal & Power Import/Export Docket No. EA-171-B – Powerex Corporation; Application to Export Electric Energy.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.